

1                   **WAGANAKISING ODAWAK STATUTE**  
2                   **ENROLLMENT FOR CITIZENSHIP STATUTE**

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4  
5   **SECTION I.           PURPOSE**  
6

7           The purpose of this statute is to implement the provisions of Article V of the  
8 Little Traverse Bay Bands of Odawa Indians Constitution for Tribal Citizenship  
9 enrollment.  
10

11  
12   **SECTION II.          TITLE**  
13

14           This statute shall be designated as the Citizenship Statute of the Little Traverse  
15 Bay Bands of Odawa Indians and repeals and replaces the Tribal Enrollment Statute  
16 WOS 1999-014, as amended by WOS 2001-014, WOS 2002-06 WOS 2003-02, WOS  
17 2004-04, WOS 2004-09 and 2006-008 and any and all other Enrollment Statutes or  
18 Amendments. This statute has no effect on the Citizenship status on any Tribal Citizen  
19 enrolled by the Tribe under previous law.  
20

21  
22   **SECTION III.        AUTHORITY**  
23

24           According to the Little Traverse Bay Bands of Odawa Indians Constitution,  
25 Article V. Section I states as follows: *“The Tribal Council shall have the power to enact*  
26 *laws not inconsistent with this Article (Membership) to implement these provisions.*  
27

28  
29   **SECTION IV.        DEFINITIONS**  
30

31           The following terms and phrases, when used in this Statute, shall have the  
32 meaning ascribed to them.  
33

34   **A.**    “Adult” means *any person eighteen (18) years of age or older*, LTBB  
35 Constitution, Article III (A).  
36

1 **B.** “Applicant” means a person who has submitted an application for Citizenship into  
2 the Tribe prior to final action on the application.

3  
4 **C.** “Citizen” means an individual who has met the enrollment criteria of a  
5 Tribe and is officially enrolled with that tribe.

6  
7 **D.** “Constitution” or “Tribal Constitution” means the Constitution of the Little  
8 Traverse Bay Bands of Odawa Indians as adopted on February 1, 2005, and any  
9 amendments thereto.

10  
11 **E.** “Degree of North American Indian Blood” means the total degree of North  
12 American Indian blood of all tribes recognized by the United States Federal Government  
13 or by the Canadian Federal Government plus the degree of North American Indian blood  
14 derived from non-federally recognized tribes that is able to be certified by the Bureau of  
15 Indian Affairs.

16  
17 **F.** “Descendent” means the biological descent where lineage can be traced from  
18 parent to child in each generation.

19  
20 **G.** “Durant Roll” means *“the Durant Roll of 1908 as approved by the Secretary of*  
21 *the Interior on February 18, 1910, and as clarified by Durant’s corresponding field*  
22 *notes.”*, LTBB Constitution Article V (1)(A)(b).

23  
24 **H.** “Incompetents” means a person who has been legally determined by a Court of  
25 competent jurisdiction to be unable to take effective actions on their own behalf.

26  
27 **I.** “LTBB” means the Little Traverse Bay Bands of Odawa Indians.

28  
29 **J.** “March 31, 2003 Roll” means *“All persons whose names appear on the Roll*  
30 *prepared by the Little Traverse Bay Bands of Odawa Indians and submitted to the*  
31 *Department of the Interior, Bureau of Indian Affairs, notice of receipt of which was*  
32 *published in the Federal Register on March 31, 2003, are members (Citizens) of the*  
33 *Little Traverse Bay Bands of Odawa Indians.”* LTBB Constitution, Article V(A)(2).

34  
35 **K.** “Minor” or “Child/ Children” means *a person under eighteen (18) years of age,*  
36 *LTBB Constitution, Article III (F).*

1 **L.** “North American Indian Tribe” means any Tribe located within the continental  
2 United States, Alaska and/or Canada.

3  
4 **M.** “Notarized” means a document attested before or authenticated by a public officer  
5 (a notary) who witnesses the signature and certifies that it is authentic.

6  
7 **N.** “Parent” or “Legal Guardian” means a person who has the legal authority to take  
8 enrollment actions on behalf of another person because of age or incompetence.

9  
10 **O.** “Records” means any item, collection, or grouping of information about or  
11 collected from individuals, including, but not limited to, birth certificates, genealogy  
12 records, or other documents that contain the individual’s name, or identifying particulars  
13 assigned to the individual, from which information is collected for the purpose of  
14 determining the eligibility for enrollment.

15  
16 **P.** “Relinquishment” means the personal, voluntary action taken by a Tribal Citizen  
17 or an individual legally authorized to act on the Citizen’s behalf to terminate the Citizen's  
18 relationship with a tribe.

19  
20 **Q.** “Reservation” means “*areas referenced in Public Law 103-324, 25 USC Section*  
21 *1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands*  
22 *as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621.”*  
23 LTBB Constitution, Article V(A)(1)(a).

24  
25 **R.** “Tribal Council” means the Little Traverse Bay Bands of Odawa Indians  
26 legislative branch of the Tribe authorized to make enrollment decisions pursuant to  
27 Article VII of the Constitution.

28  
29 **S.** “Tribe” or “LTBB” means the Little Traverse Bay Bands of Odawa Indians.  
30  
31

## 32 **SECTION V. DESCENDANT ELIGIBILITY**

33  
34 **A.** The following persons shall be eligible for Citizenship in the Little Traverse Bay  
35 Bands of Odawa Indians according to the LTBB Constitution, Article V (3) provided that  
36 they meet the blood quantum eligibility:  
37

1        **a.**        *All persons who are one fourth (1/4) or more North American Indian*  
2        *blood quantum, and can prove direct lineal descent from a person or persons*  
3        *identified in one or more of the sub-sections below:*

4  
5                **i.**        *All persons listed on the Durant Roll under the following Ogemuk*  
6                *(leaders or “chiefs”) or areas of residency:*

7  
8                                *Nawwemaishcotay – Cross Village*  
9                                *Shawwawdayse – Charlevoix*  
10                               *Shawwawnegwnaybe – Bay Shore*  
11                               *Louis Micksawbay – Charlevoix*  
12                               *Awmegwawbay – Petoskey*  
13                               *Nawogemaw – Good Heart/Middle Village*  
14                               *Simon Kewaydezhick – Harbor Springs*  
15                               *Joseph Waybwaydum – Burt Lake*  
16                               *Daniel Nesawwawquot – Harbor Springs*  
17                               *Payzhickwaywedung – Beaver Island*  
18                               *Nawoquaygawbowe – Manistique*  
19                               *Kawgegaypenayse – North Shore*

20  
21                **ii.**        *All persons whose name appears on the Durant Roll who resided*  
22                *within the Reservation at the time the Durant Roll was compiled;*

23  
24                **iii.**        *All persons listed on any of the Annuity payrolls of Ottawa &*  
25                *Chippewa Indians of Michigan from 1836 to 1871 and referenced in the*  
26                *1850 through the 1920 Federal Population Enumeration (Census*  
27                *Records) who resided within our Reservation boundaries at the time the*  
28                *payrolls were written.*

29  
30                **b.**        *All descendants of persons enrolled under subsection 2 or 3(a) who are at*  
31                *least one fourth (1/4) North American Indian blood quantum.*

32  
33        **B.**        The Enrollment Office may use United States Census Records from the years of  
34        1850, 1860, 1870, 1880, 1884 and 1894 State Census Records, 1900, 1910, and 1920,  
35        with reference to 1930’s Census to show ~~lineal~~ lineal descent of persons enrolled under  
36        subsection A.

1 C. The Enrollment Office may consider other documentation that will provide  
2 support for descendants of persons enrolled under subsection A including birth  
3 certificates, military records, church records, baptismal records, school records, and  
4 adoptive birth certificates and other such records.

5  
6 D. According to LTBB Constitution, Article V(B)(3) *“Any Indian child eligible for*  
7 *membership pursuant to Section A(3) of this Article who is legally adopted in a Tribal*  
8 *Court or any other court of competent jurisdiction by a non-member Indian or non-*  
9 *Indian family shall be eligible for membership in the Little Traverse Bay Bands of Odawa*  
10 *Indians, notwithstanding such adoption.”*

## 11 12 13 **SECTION VI. BLOOD QUANTUM ELIGIBILITY**

14  
15 The following persons shall be eligible for Citizenship in the Little Traverse Bay  
16 Bands of Odawa Indians according to LTBB Constitution, Article V (3) provided that  
17 they meet the Descendant eligibility:

18  
19 A. North American Indian Blood Quantum—from Tribes within the Continental  
20 United States.

21  
22 The following shall be used for computation of North American Indian Blood  
23 from Tribes located within the United States of America:

24  
25 1. Blood quantum capable of being certified by the United States Bureau of  
26 Indian Affairs.

27  
28 2. Blood quantum certified by a United States Federally Recognized Tribe as  
29 listed by the Secretary of Interior.

30  
31 B. North American Indian Blood Quantum—from Tribes located within Canada.

32  
33 The following shall be used for computation of North American Indian Blood  
34 quantum from Canada:

35  
36 1. Blood quantum capable of being certified by the Canadian Federal  
37 Government, Library of Northern Indian Affairs.

1  
2           **2.**       Blood quantum certified by a Canadian Recognized Tribe as listed by the  
3           Library of Northern Indian Affairs, Canada.  
4

5   **C.**       North American Indian Blood Quantum—from *Little Traverse Bay Bands of*  
6   *Odawa Indians* and other *Michigan Ottawa and Chippewa* Blood Quantum.  
7

8           The following shall be used for computation of *Little Traverse Bay Bands of*  
9   *Odawa Indians* and other *Michigan Ottawa and Chippewa* Blood quantum:  
10

11          **1.**       A person listed within the *Durant Roll Field Notes* with an indication   of  
12       payment from the *1870 Annuity Pay Rolls of the Ottawas and Chippewas of*  
13       *Michigan* shall be presumed to be 4/4 North American Indian Blood from a  
14       Michigan Ottawa or Chippewa Tribe.  
15

16          **2.**       A Child or Children listed along with both parents within the *Durant Roll*  
17       *Field Notes* with an indication of payment for both parents from the *1870 Annuity*  
18       *Pay Rolls of Ottawas and Chippewas of Michigan* shall be presumed to be 4/4  
19       North American Indian blood quantum of the Tribe indicated.  
20

21          **3.**       A Child or Children listed along with one parent within the *Durant Roll*  
22       *Field Notes* with an indication of payment for the one parent from the *1870*  
23       *Annuity Pay Rolls of Ottawas and Chippewas of Michigan* will be presumed to be  
24       at least ½ North American Indian Blood quantum of the Tribe indicated, and may  
25       also supplement their blood quantum with other documentation.  
26

27          **4.**       Persons listed within the *Durant Roll Field Notes* as indicated by the  
28       *Authority of Chiefs* shall be presumed to be 4/4 North American Indian blood  
29       quantum of the Tribe indicated, unless the *Durant Roll Field Notes* indicate  
30       otherwise.  
31

32          **5.**       Other documentation that establishes North American Indian blood  
33       quantum prior to the *1870 Annuity Pay Rolls of Ottawas and Chippewas of*  
34       *Michigan* will be considered for establishing blood quantum.  
35

36          **6.**       The Enrollment Office may seek assistance from the Bureau of Indian  
37       Affairs records to accurately determine the proper band and blood quantum on the

1        *1870 Annuity Pay Roll of Ottawas and Chippewas of Michigan* and *Durant Roll*  
2        *Field Notes* for matters of interpretation.

3  
4        **7.**        Solely for the purpose of determining degree of *Little Traverse Bay Bands*  
5        *of Odawa Indians* blood quantum for enrollment in the Tribe, the blood quantum  
6        of Citizens who submitted applications between May 23, 1999, and December 31,  
7        2001, (under the provisions of WOS 1999005, Section V (B) (4); WOS 1999014,  
8        Section V (B) (3)) shall continue to be listed based upon the computations made  
9        during that period. A notation shall be made on the Tribal roll identifying the  
10       individuals affected by these computations. The blood quantum of the  
11       descendants of these individuals who applied after December 31, 2001 shall be  
12       computed based upon *1870 Annuity Pay Rolls of the Ottawas and Chippewas of*  
13       *Michigan* and the *Authority of Chiefs* found within the Durant Roll and the  
14       accompanying field notes.

15  
16       **D.**        Changing Blood Degrees – Once the degree of North American blood has been  
17       recorded for a Tribal Citizen on the roll, it shall be changed only when the following  
18       procedures has been completed:

19  
20        **1.**        Whenever a member request a change in his/her blood degree the  
21        enrollment officer shall research the request.

22  
23        **2.**        When the enrollment officer finds a discrepancy in the blood degree.

24  
25       **E.**        Blood Degree Determinations-

26  
27        **1.**        If a determination is made by the enrollment officer that a member's blood  
28        degree has been erroneously computed resulting in an increase, a blood quantum  
29        adjustment form documenting the basis for the recommended change shall be  
30        prepared for the Citizenship Commission for action.

31  
32        **2.**        If the Citizenship Commission agrees that the member's blood degree  
33        should be increased, they shall make a motion authorizing the enrollment officer  
34        to make the change for all other persons affected by the increase.

35  
36        **3.**        If the change to the blood degree is a decrease to the member's blood  
37        degree and makes the member ineligible for enrollment, along with any other

1 family members that do not meet the eligibility requirements, the citizenship  
2 commission shall notify the Tribal Council for disenrollment in accordance with  
3 the Constitution. This will not affect members who are on the 2003 base roll or  
4 members who enrolled in good faith and met the membership requirements in place  
5 at the time of their enrollment under previous governing documents or statutes.

## 6 7 8 **SECTION VII. ADOPTION**

9  
10 **A.** According to LTBB Constitution a person who meets the following criteria may  
11 be adopted into the Tribe, Article V(B):

12  
13 *a. Any person who can verify at least one fourth (1/4) North American Indian*  
14 *blood quantum may be adopted into the Little Traverse Bay Bands of Odawa*  
15 *Indians by a majority vote of the full Tribal Council, if that person can also*  
16 *demonstrate, by other means, substantial community ties to the Tribe, as defined*  
17 *by Tribal statute.*

18  
19 *b. Adult persons who become members of the Little Traverse Bay Bands of*  
20 *Odawa Indians through the adoption procedure developed by the Tribal Council*  
21 *to implement this section shall thereupon enjoy and be entitled to the rights and*  
22 *privileges associated with membership in the Tribe except the elected positions of*  
23 *Tribal government.*

24  
25 **B.** Applicants applying for adoption into Tribal Citizenship with Substantial  
26 Community Ties.

27  
28 **1.** Requirements – A person requesting to be adopted into Tribal Citizenship  
29 shall complete an “Application for Adoption into Tribal Citizenship with  
30 Substantial Community Ties” Accompanying that application shall be  
31 documentation establishing the possession of at least one-fourth (1/4) North  
32 American Indian blood quantum along with an affidavit of proof of substantial  
33 community ties.

34  
35 **2.** Processing – An application for adoption into Tribal Citizenship with  
36 Substantial Community Ties shall be processed in the same manner as an



1 application for Citizenship, except that a person whose application for adoption is  
2 denied does not have any right to appeal that decision.

3  
4 **3.** Ineligibility – Any person who has been found ineligible for Citizenship  
5 for any reason including, but not limited to adoption, may file a new application  
6 whenever additional documentation becomes available. Such new application  
7 shall be processed as though no previous application had been received.

8  
9 **C.** Demonstration of Substantial Community Ties.

10  
11 **1.** Residency - A person that applies for adoption shall have resided within  
12 the 1855 Reservation for a period of at least fifteen (15) years, AND

13  
14 **2.** Is either an immediate family member by marriage to a Tribal Citizen OR  
15 has demonstrated a strong commitment to the Tribe through participation or  
16 volunteerism in Tribal functions such as Tribal sports, Tribal jiingtamok (pow-  
17 wows – celebratory gatherings), Tribal language studies or Tribal ghost suppers,  
18 but not limited to, and is shown through documentation of such participation or  
19 volunteerism.

20  
21 **D.** Approval by Tribal Council.

22  
23 Applications along with a recommendation from the Citizenship Commission  
24 shall be submitted to the Tribal Council for approval or disapproval of the adoption.

25  
26  
27 **SECTION VIII. CITIZENSHIP RIGHTS OF CHILDREN WHO HAVE BEEN**  
28 **ADOPTED**

29  
30 **A.** According to LTBB Constitution, Article V (B)(2) “*Indian minor children who*  
31 *are at least one fourth (1/4) North American Indian who have been legally adopted by*  
32 *members of the Little Traverse Bay Bands of Odawa Indians, in a Tribal Court or any*  
33 *other court of competent jurisdiction, are also eligible to be adopted by the Tribe. They*  
34 *shall thereupon enjoy and be entitled to the rights and privileges associated with*  
35 *membership in the Little Traverse Bay Bands of Odawa Indians except the elected*  
36 *positions of Tribal government.*”

1 **B.** Minor Children applicants applying for adoption into Tribal Citizenship when  
2 adopted by LTBB Citizen.

3  
4 **1.** Requirements – A person requesting a child to be adopted into Citizenship  
5 of the Tribe shall complete a “Minor Child Adopted by LTBB Citizen Application  
6 for Tribal Citizenship” ~~into~~ on a Tribal Citizenship” form. Accompanying that  
7 application shall be documentation of a legal adoption from Tribal Court or a  
8 court of competent jurisdiction and documentation showing the possession of at  
9 least one-fourth (1/4) North American Indian blood quantum.

10  
11 **2.** Processing – An application for adoption into Tribal Citizenship shall be  
12 processed in the same manner as an application for Citizenship, except that a  
13 person whose application for adoption is denied does not have any right to appeal  
14 that decision.

15  
16 **3.** Ineligibility – Any person who has been found ineligible for Citizenship  
17 for any reason including, but not limited to adoption, may file a new application  
18 whenever additional documentation becomes available. Such new application  
19 shall be processed as though no previous application had been received.

20  
21 **C.** Approval by Tribal Council.

22  
23 Applications along with a recommendation from the Citizenship Commission  
24 shall be submitted to the Tribal Council for approval or disapproval of the adoption.

25  
26  
27 **SECTION IX. DUAL MEMBERSHIP OR CITIZENSHIP PROHIBITION**

28  
29 **A.** According to the LTBB Constitution, Article V(C) *“No person shall be a member  
30 of the Little Traverse Bay Bands of Odawa Indians if that person is enrolled in another  
31 federally recognized tribe. Any person enrolled in another federally recognized tribe  
32 shall be subject to disenrollment from the Little Traverse Bay Bands of Odawa Indians.”*

33  
34 **B.** If the person requesting Citizenship has had dual enrollment with any other tribe  
35 recognized by the federal government of the United States or by the federal government  
36 of Canada, then proof of documentation of relinquishment must be provided.

1 C. Recognizing that some Canadian tribes refuse to remove a member from their  
2 tribal roll even when that member tries to be removed by filing a relinquishment papers.  
3 These papers must be submitted to LTBB upon enrollment application. LTBB considers  
4 the relinquishment requirement to have been met.  
5  
6

7 **SECTION X. RELINQUISHMENT OF CITIZENSHIP**  
8

9 A. According to the LTBB Constitution, Article V(D)  
10

11 *1. Enrollment in any other federally recognized tribe shall be deemed*  
12 *voluntary relinquishment of membership from the Little Traverse Bay Bands of*  
13 *Odawa Indians and such individual shall be subject to disenrollment.*  
14

15 *2. Individual members may relinquish their Little Traverse Bay Bands of*  
16 *Odawa Indians membership, which shall be done in writing and presented to the*  
17 *Tribal Council according to procedures developed by the Tribal Council.*  
18

19 *3. A Tribal Judicial review shall be required should a parent or legal*  
20 *guardian submit a voluntary relinquishment of Little Traverse Bay Bands of*  
21 *Odawa Indians membership for a minor or for a person deemed incompetent by*  
22 *the Tribal Court. Such relinquishment shall only become effective upon approval*  
23 *of the Tribal Court based on a finding that the relinquishment is in the best*  
24 *interests of the child or the person deemed incompetent.*  
25

26 B. Enrollment in either a United States Federally Recognized Tribe or a Canadian  
27 Federally Recognized Tribe after effective approval of the LTBB Citizenship shall be  
28 considered a voluntary relinquishment of Citizenship from LTBB and the person shall be  
29 subject to disenrollment from LTBB after such Constitutional process for disenrollment  
30 is followed.  
31

32 C. Any adult Citizen of the Tribe may voluntarily relinquish his/her Citizenship by  
33 submitting such request along with a notarized signature to the Enrollment Office. The  
34 Enrollment Office shall notify Tribal Council of the person's relinquishment and the date  
35 of the relinquishment.  
36

1 **D.** A parent or guardian, of a Tribal Citizen child or a legally incompetent person  
2 that wishes to disenroll the child or the legally incompetent person, shall submit a  
3 notarized form requesting such relinquishment to the Enrollment Office. The Enrollment  
4 Office shall file the request with the Tribal Court. The child or legally incompetent  
5 person shall remain a Citizen of the Tribe until a final order of the Tribal Court is issued  
6 that relinquishes the Tribal Citizenship status. Such decisions by the Tribal Court shall  
7 be based upon the best interest of the child or legally incompetent person.

8  
9  
10 **SECTION XI. RE-ENROLLMENT**

11  
12 **A.** According to the LTBB Constitution, Article V(E):

13  
14 **1. Minor Re-Enrollment**

15 *Any minor whose membership has been relinquished by a parent(s) or legal*  
16 *guardian, shall be eligible for re-enrollment at any time after reaching the age of*  
17 *eighteen (18). A minor may be re-enrolled before reaching the age of eighteen*  
18 *(18) upon recommendation of the Tribal Court and approval of the Tribal*  
19 *Council.*

20  
21 **2. Re-Enrollment**

22 *Once removed from the Tribal membership roll, an adult individual shall not be*  
23 *eligible for re-enrollment for a period of five (5) years.*

24  
25 **B.** Upon recommendation of the Tribal Court and approval of the Tribal Council a  
26 minor maybe reenrolled and must submit a new application with the enrollment office.

27  
28  
29 **SECTION XII. CITIZENSHIP ROLL**

30  
31 **A.** According to the LTBB Constitution, Article V(G):

32  
33 **1.** *The Executive Branch shall maintain the official Tribal roll of all Tribal*  
34 *members.*

35  
36 **2.** *The Executive Branch shall prepare and submit an annual report to the*  
37 *Tribal Council on the past year's changes to the membership roll.*

1  
2 **B.** Once a year the Executive Branch shall submit a report to the Tribal Council  
3 which shall contain:

- 4  
5 1. The total number of Citizens.  
6  
7 2. The total number of Citizen's deaths during the reporting period.  
8  
9 3. Number of individuals under one (1) year of age who enrolled during the  
10 reporting period.  
11

12  
13 **SECTION XIII. DISENROLLMENT**  
14

15 **A.** According to the LTBB Constitution, Article V(H):  
16

17 1. *No person on the March 31, 2003 roll may be involuntarily disenrolled*  
18 *unless they are shown to have knowingly presented falsified documents or unless*  
19 *they are a member of another federally recognized Tribe.*

20  
21 2. *Other members may not be disenrolled unless the Tribal Council*  
22 *determines by an affirmative vote of at least seven (7) of the nine (9) members of*  
23 *the Tribal Council that such persons do not meet the eligibility requirements of*  
24 *this Article.*

25  
26 3. *No enrolled Tribal member who meets the eligibility requirements in this*  
27 *Article shall be subject to disenrollment.*  
28

29 4. *No person may be disenrolled unless they are first notified in writing of*  
30 *the reason(s) that their eligibility is in question, and given one hundred eighty*  
31 *(180) days after such notification to present documentation and arguments to the*  
32 *Tribal Council. Upon request of the individual or after one hundred eighty (180)*  
33 *days, the Tribal Council shall give such person a fair hearing before the Council.*  
34 *The Tribal Council shall give such person at least thirty (30) days written notice*  
35 *before the hearing on their case before the Tribal Council. Until disenrollment is*  
36 *finalized, the individual shall have all rights of a Tribal member including*

1        *services and any monetary entitlements. The hearing shall be open unless the*  
2        *member in question requests that the hearing be held in closed session.*

3  
4        **B.**        The burden of proof in disenrollment actions rests with the Tribe.

5  
6        **C.**        The Enrollment Office shall initiate research on the eligibility of a Tribal Citizen  
7        upon receipt of plausible information that may lead them to believe that they were  
8        presented with knowingly falsified documentation or evidence that the individual in  
9        question has enrolled in another Federally Recognized Tribe.

10  
11       **D.**        After completion of research by the Enrollment Office, the findings shall be  
12       presented to the Citizenship Commission. If the Citizenship Commission determines that  
13       disenrollment actions should proceed, a Citizen identified as subject to disenrollment  
14       shall be notified by the Enrollment Office by certified mail, return receipt requested, of  
15       the intent to disenroll.

16  
17       **E.**        The Enrollment Office shall forward any Citizenship Commission's determination  
18       of intentional fraud or falsifying of documents to the Tribal Prosecutor for potential  
19       violation of a Civil Infraction.

20  
21       **F.**        An erroneous enrollment is one where the applicant did not submit adequate  
22       documentation proving he/she met the constitutional criteria at the time of enrollment.  
23       This "erroneous enrollment" may have resulted from fraudulent submissions, mistakes in  
24       blood degree computations or inadequate research. There shall be a presumption that the  
25       level of documentation submitted was considered adequate under Tribal practice at the  
26       time of the enrollment unless there is proof to the contrary in Tribal law and/or written  
27       procedures.

28  
29       **G.**        Persons of this section who have been disenrolled may submit new applications  
30       for Citizenship when adequate documentation of eligibility has been obtained. Such  
31       applications will be processed as though the individual had not previously been a Citizen.

32  
33  
34       **SECTION XIV.        RIGHT OF APPEAL**

35  
36       **A.**        According to the LTBB Constitution, Article V(H)(5):  
37

1        *1. Any person whose application for membership has been denied, or who*  
2        *has relinquished or been disenrolled, shall have a right of appeal to the Tribal*  
3        *Judiciary within one (1) year of such action.*

4  
5        *2. Such appeal rights do not extend to any person whose petition for*  
6        *membership by adoption in the Little Traverse Bay Bands of Odawa Indians has*  
7        *been denied.*

8  
9        *3. Nothing in this section is intended to prevent a person whose application*  
10       *has been denied from reapplying for membership at some future date.*

11  
12 **B. Eligible Appellants.**

13  
14       The following persons shall be eligible to file an appeal:

15  
16       **1.** Any applicant who has been determined ineligible for Citizenship; except  
17       those who have filed an application for adoption for LTBB Citizenship.

18  
19 **C. Timing of Appeal**

20  
21       Each notice of determination of ineligibility or disenrollment shall provide that an  
22       appeal must be received within one (1) year of the receipt of the notice in order to be  
23       considered. The date stamped on the receipt of the certified letter shall be considered the  
24       beginning of that period.

25  
26 **D. Filing of Appeal**

27  
28       The notice of appeal must be filed with the Tribal Judiciary. The date the appeal is  
29       received in the Tribal Court office shall be considered its date of receipt. An appeal must  
30       be in writing. No appeal may be filed by any form of electronic communication. Failure  
31       to file an appeal within one (1) year shall waive any right to an appeal.

32  
33 **E. Handling of Appeal**

34  
35       **1.** Upon receipt of an appeal, the Tribal Judiciary shall obtain a copy of the  
36       applicant's file from the Enrollment Office for review.

1           **2.**       The Tribal Judiciary shall schedule a hearing on the appeal not less than  
2 sixty (60) days, or more than one hundred eighty (180) days, from the date of  
3 receipt of the appeal.  
4

5           **3.**       The Tribal Judiciary shall base its decision upon the documents available  
6 to the Citizenship Commission and the Tribal Council and shall not consider any  
7 new evidence, or evidence that was unavailable to the Citizenship Commission  
8 and/or the Tribal Council, at the hearing.  
9

10          **4.**       The Tribal Judiciary shall notify the Enrollment Office of its decision  
11 within a written Order by the Judiciary. The decision of the Tribal Judiciary shall  
12 be final, with no other appeals. The determination of Citizenship status or non-  
13 Citizenship status will take effect upon the receipt by the Enrollment Office of  
14 such Order.  
15

16  
17       **SECTION XV.       TRIBAL COUNCIL**  
18

19       **A.**       *Membership shall be final upon affirmative vote of a majority of the full Tribal*  
20 *Council, provided that the Tribal Council must accept or reject new membership*  
21 *applications within sixty (60) days of receipt of recommendations from appropriate staff*  
22 *and committees. LTBB Constitution, Article V(G)(2).*  
23

24          **1.**       The Enrollment Office shall submit their recommendation to full Tribal  
25 Council to either approve or disapproval of an application for enrollment along  
26 with appropriate documentation. Tribal Council shall not vote on such  
27 application if there is a vacancy on Tribal Council.  
28

29          **2.**       The Tribal Council will inform the Enrollment Office of either their  
30 approval or disapproval of an application. Upon such notification, the Enrollment  
31 Office will give notice to the applicants of either their acceptance into Citizenship  
32 or their non-acceptance by certified mail. If an applicant is determined ineligible,  
33 then the Enrollment Office will also provide information on the applicant's right  
34 to appeal by providing a copy of this Statute. Such ineligible applicants shall also  
35 be advised that a new application may be submitted when the needed  
36 documentation of eligibility has been obtained. An individual who petitions for  
37 adoption into Citizenship shall not have the right to appeal.



1  
2       **3.**       The Tribal Council shall have sixty (60) days in which to either approve or  
3 disapprove an application. Tribal Council may utilize phone-polls in order to  
4 accommodate the deadline. If the Tribal Council has not acted on the application  
5 within sixty (60) days, then the recommendations of the Enrollment Office and  
6 Citizenship Commission shall stand.

7  
8       **4.**       The Tribal Council shall not have discretion to override Enrollment  
9 denials made by the Enrollment Office and Commission provided such denials are  
10 based on lack of proper documentation required by law.

11  
12  
13       **SECTION XVI.       TRIBAL CITIZENSHIP COMMISSION**

14  
15       The appointment, organization and functioning of the Citizenship Commission  
16 shall be governed by their specific statute.

17  
18  
19       **SECTION XVII.   APPLICATION FOR ENROLLMENT**

20  
21       **A.**       All persons not currently listed on the Tribal roll must file an enrollment  
22 application. Applications for minors or incompetents must be filed by parents or legal  
23 guardians. A separate application must be filed by each individual seeking enrollment.

24  
25       **B.**       All enrollment applications must be filed with the Enrollment Office.

26  
27       **C.**       Each enrollment application must be completed in its entirety and must contain  
28 required personal information to properly determine the applicant's eligibility for  
29 enrollment.

30  
31       **D.**       If an application is not complete or all required documents are not included, the  
32 Enrollment Office shall return the originals to the sender with a letter clearly explaining  
33 the deficiencies.

34  
35       **E.**       Each application shall be initially examined within one-hundred and eighty (180)  
36 days of its receipt to the Enrollment Office and a determination shall be made for one of  
37 the following:

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- 1
- 2       **1.**     The applicant is eligible for Tribal Citizenship;
- 3
- 4       **2.**     The applicant is ineligible for Tribal Citizenship; or
- 5
- 6       **3.**     Additional documentation and/or research is needed.
- 7
- 8

## 9   **SECTION XVIII.   REPORT REQUIREMENTS**

- 10
- 11       It is the responsibility of all adult Tribal Citizens and non-Citizen guardians of
- 12   minor or incompetent Tribal Citizens, on behalf of themselves and any minor or
- 13   incompetent Tribal Citizens under their care, to report all status changes to the
- 14   Enrollment Office including change of address, deaths in the family and change of name.
- 15

## 16   **SECTION XIX.     RECORDS**

- 17
- 18
- 19   **A.**     Records collected or retained by the Enrollment Office shall be maintained by the
- 20   following:
- 21

- 22       **1.**     All manual enrollment files shall be kept in areas that have posted
- 23       appropriate warnings stating that access to the records is limited to authorized
- 24       persons.
- 25
- 26       **2.**     During working hours, the area in which the records are maintained or
- 27       regularly used shall be occupied by authorized personnel or the access to the
- 28       records shall be restricted by their storage in locked cabinets in a locked room.
- 29
- 30       **3.**     During non-working hours, access to the records shall be restricted by
- 31       their storage in locked cabinets in a locked room.
- 32
- 33       **4.**     Computer Records that are maintained on computer shall have limited
- 34       access to only those staff or personnel with written authority of the Tribal Council
- 35       or Tribal Administrator as designated by Tribal Council. When maintained in
- 36       computerized form, enrollment files and records shall be maintained subject to
- 37       adequate safeguards.

1  
2 **B.** The following persons are authorized to review and handle enrollment records  
3 when in the discharge of their official duties upon being sworn to taking an oath of  
4 confidentiality. All of the individuals listed below, whose duties require handling of  
5 records are subject to this Statute and at all times shall take care to protect the integrity,  
6 security, and confidentiality of all citizenship files and documentation:  
7

8 **1.** Enrollment Officer.  
9

10 **2.** Authorized Enrollment Staff.  
11

12 **3.** Members of the Citizenship Commission for the limited purpose to review  
13 files that are either being recommended for enrollment or declination of  
14 enrollment of new members and files related to involuntary disenrollment and  
15 blood quantum changes.  
16

17 **4.** Members of the Tribal Judiciary for the limited purpose to review files  
18 that have an active case before the Court.  
19

20 **5.** Members of the Tribal Council For the limited purpose to review files that  
21 are either being recommended for enrollment or declination of enrollment of new  
22 members and files related to involuntary disenrollment.  
23  
24

25 **C.** No records contained in enrollment files may be disclosed by any means of  
26 communication to any person, or another agency, except pursuant to a written request by,  
27 or with the prior written consent of the individual to who the record pertains, except:  
28

29 **1.** For purposes of the Bureau of the Census for planning or carrying out a  
30 census or survey or related activity pursuant to the provision of Title 13 of the  
31 United States Code.  
32

33 **2.** To a recipient who has provided the Enrollment Officer, or other person  
34 responsible for the record system in which the documents contained in the  
35 enrollment files are maintained, with advance adequate written assurance that the  
36 records will be used solely as a statistical research or reporting record, and the  
37 records are to be transferred in a form that is not individually identifiable.

1  
2       **3.**       To a person pursuant to a showing of compelling circumstances affecting  
3 the health or safety of an individual if upon such disclosure notification is  
4 transmitted to last known address of such individual.  
5

6       **4.**       Pursuant to the order of the Tribal Court upon showing of good cause or  
7 compelling circumstances.  
8

9       **5.**       A list of enrolled citizen's names and addresses may be included in a  
10 Directory prepared by the Enrollment Office in accordance with this Statute. The  
11 Directory of Citizens' names and addresses may be provided to a Tribal Citizen  
12 making the request or mailing labels of the same. The Enrollment Office may  
13 charge a fee to cover its cost.  
14

15       **6.**       Information submitted to the State of Michigan to implement the terms of  
16 Agreements made between the State and the Tribe.  
17

18       **7.**       Information submitted to the State of Michigan, or any other sovereign  
19 entity or agency representing a sovereign entity, to implement the terms of any  
20 agreement authorized by the Tribal Council between the Little Traverse Bay  
21 Bands of Odawa Indians and a sovereign entity regarding the sovereign entity's`  
22 acceptance of Tribal identification cards.  
23

24       **8.**       Information supplied by the Enrollment Office to the Economic  
25 Development Department for the purpose of implementing a swipe card system to  
26 aid in the implementation of any tax agreement authorized by the Tribal Council  
27 between the Little Traverse Bay Bands of Odawa Indians and any other  
28 governmental entity, or for such other purposes as may be authorized by the  
29 Tribal Council.  
30

31       **9.**       Release of copies of tribal identification cards, social security cards or  
32 numbers and birth certificates to the Director of LTBB Human Services for Tribal  
33 children who have been placed outside the home of their parent or guardian by  
34 any court. A written certification by the Human Services Director is acceptable  
35 evidence of such out-of-home placement. Human Services may provide such  
36 information to foster parents or agencies as needed to protect the interests of the  
37 child.

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**10.** Release to the LTBB Human Services, LTBB Legal Department, LTBB Prosecutor, or any other attorney representing LTBB, of any information needed to verify the LTBB Citizenship or eligibility status of children who have foster care, guardianship or any potential out-of-home placement proceedings pending before any state or tribal court.

**11.** Release of information regarding active enrollment status of a Citizen to another Federally Recognized Indian Tribe or the Bureau of Indian Affairs when requested by a duly authorized official of the requesting tribe or agency.

**12.** Release of information as to whether a person is enrolled with the Tribe and their enrollment number to a law enforcement agency for the purpose of establishing jurisdiction only. Any additional information will only be provided to a law enforcement agency pursuant to a valid court order or subpoena.

**13.** Release of information regarding LTBB citizenship to the Accounting Department for the purpose of implementing or facilitating any revenue allocation plan enacted by the Tribal Council.

**14.** Release of information to the Tribal Trust Fund Board for determination of eligibility for payments to Tribal Citizens.

**15.** Release of information to the Tribal Election Board for determination of eligibility to run for election, register to vote, signing of petitions and other purposes required by the Election Board to carry out its Constitutionally mandated duties.

Release of member's names and address to Department Director or Manager for official LTBB use, according to Enrollment Office Procedures.

**D.** An adopted person's eligibility for enrollment is determined through one or both of the natural parents. Documentary evidence submitted to support an adopted person's application must show relationship to the natural parent through whom eligibility for enrollment is determined. The information concerning adopted persons shall be recorded as confidential and shall not be made available to any other person. This information

1 shall be stored in locked file cabinets and adequate safeguards shall be installed to ensure  
2 that the confidentiality of these records shall not be violated.

3  
4 **E.** Where a record is disclosed to any person, or to another agency, under any of the  
5 specific exceptions provided by this section. An accounting shall be made. The  
6 accounting shall record who requested the disclosure, the date, nature and purpose for  
7 each disclosure, and of the person or persons of whom the disclosure was about.  
8 Accounts shall be recorded; the date and time of all disclosures of a record shall be made  
9 when records are accessed.

10  
11 **F.** Tribal Citizens may obtain photo copies of documents in their own enrollment  
12 file. A Tribal Citizen can only access information in other Citizen's files with written  
13 authorization of the Citizen. When requested by the mother, father, son, daughter, brother  
14 or sister of a deceased Citizen, that deceased Citizen's birth certificate or death certificate  
15 may be copied and released to that relative. Any other release of documents from the file  
16 of any deceased Citizen must be authorized by an order of the Tribal Court. Pursuant to  
17 this Statute, documents in one Citizen's folder may be used to prove the eligibility of an  
18 applicant or of another Citizen whose eligibility is in question. The Enrollment Office  
19 may set and collect reasonable fees for collecting and/or copying records.

20  
21 **G.** A Tribal directory shall be published at least once every four (4) years as follows:

22  
23 **1.** The Enrollment Office is authorized to prepare a directory that includes  
24 the names and addresses of adult Citizens of the Tribe unless they decline  
25 inclusion or they have no known address.

26  
27 **2.** A copy of the Tribal Citizenship Directory shall be provided to Tribal  
28 Citizens upon request. The Enrollment Office may charge a nominal fee to cover  
29 its cost.

30  
31 **3.** The Tribal Directory may not be quoted from, published, reproduced, or  
32 displayed, in whole or in part, without the written permission of the holder of the  
33 original copy. This copy may not be sold or given to other persons who are not  
34 Tribal Citizens.

1 **H.** A list containing only the names of all adult Tribal Citizens shall be public and  
2 available to Tribal Citizens upon request. The Enrollment Office may charge a fee to  
3 cover its cost.  
4  
5

6 **SECTION XX. FALSE ACTIONS; CIVIL INFRACTION**  
7

8 Any party who knowingly submits fraudulent documents to the Enrollment Office  
9 or makes fraudulent statements on any documentation submitted to the Enrollment  
10 Office, or any party who aids or abets such a false action, may be found liable for a Civil  
11 Infraction and may be subject to a fine not to exceed \$5,000.  
12  
13

14 **SECTION XXI. BURDEN OF PROOF**  
15

16 **A.** The burden of proof is on the applicant to prove his/her eligibility for Tribal  
17 Citizenship through required documentation.  
18

19 **B.** For removal of Tribal Citizenship the burden of proof lies with the Tribe.  
20

21 **C.** The burden of proof for all proceedings under this Act, unless otherwise  
22 indicated, shall be that of a preponderance of evidence.  
23  
24

25 **SECTION XXII. SAVINGS CLAUSE**  
26

27 In the event that any section, subsection or phrase of this Statute is found by a  
28 court of competent jurisdiction to violate the Constitution or laws of the Little Traverse  
29 Bay Bands of Odawa Indians, such part shall be considered to stand alone and to be  
30 deleted from this Statute, the entirety of the balance of the Statute to remain in full and  
31 binding force and effect so long as the overall intent of the Statute remains intact.  
32  
33

34 **SECTION XXIII. EFFECTIVE DATE**  
35

36 Effective upon signature of the Executive or 30 days from Tribal Council  
37 approval which ever comes first or if the Executive vetoes the Statute, then upon Tribal

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1 Council override of the veto.

2

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## **CERTIFICATION**